

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DCO-075

No. 24-2902

PANKAJ SHARMA,
Appellant

v.

VIVIAN LIU

(D.N.J. No. 2:20-cv-20268)

Present: PHIPPS, CHUNG, and SMITH, Circuit Judges

1. Clerk's Submission for Possible Dismissal of Appeal due to Jurisdictional Defect.
2. Response by Appellant to the Clerk's Order Advising of Possible Dismissal of Appeal due to Jurisdictional Defect.

Respectfully,
Clerk/ARR

ORDER

Appellant appealed from an order entered by a magistrate judge on September 13, 2024. Where, as here, the parties did not expressly or implicitly consent to proceed before a magistrate judge under 28 U.S.C. § 636(c), orders entered by a magistrate judge cannot be appealed directly to this Court. See Siers v. Morrash, 700 F.2d 113, 115 (3d Cir. 1983) (“[A] magistrate’s order is not a ‘final’ order of the district court within the meaning of section 1291.”); see also Dewey v. Volkswagen AG, 681 F.3d 170, 180 (3d Cir. 2012) (“[W]here the [consent] requirements of § 636(c)(1) are not satisfied, we lack jurisdiction under § 636(c)(3), and the parties must appeal directly to the district court that referred the case.”). Accordingly, the appeal is DISMISSED for lack of jurisdiction. See Prater v. Dep’t of Corr., 76 F.4th 184, 201–03 (3d Cir. 2023).

By the Court,

s/ Cindy K. Chung
Circuit Judge

Dated: March 26, 2025
ARR/cc: SBF



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate